

ENTERED

April 13, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CHRISTOPHER T. SMALL,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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Civil Action No. 2:22-CV-00064

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the April 13, 2022, Memorandum and Recommendation (“M&R”) prepared by Magistrate Judge Mitchel Neurock. (Dkt. No. 8). Magistrate Judge Neurock made findings and conclusions and recommended that pursuant to the screening requirements under the Prison Litigation Reform Act Plaintiff’s complaint be dismissed without prejudice. (*Id.*).

The Parties were provided proper notice and the opportunity to object to the M&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). On May 5, 2022, Plaintiff filed one objection. (Dkt. No. 9). Plaintiff objects to the Magistrate Judge’s finding that the pending action was filed in the wrong court. (*Id.* at 1–3).

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in

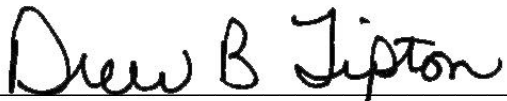
part, the findings or recommendations made by the magistrate judge.” *Id.*; see also Fed. R. Civ. P. 72(b)(3).

The Court has carefully considered de novo those portions of the M&R to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendations for plain error. Finding no error, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

- (1) Magistrate Judge Neurock’s M&R, (Dkt. No. 8), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Plaintiff’s Complaint, (Dkt. No. 1), is **DISMISSED WITHOUT PREJUDICE**.

It is SO ORDERED.

Signed on April 13, 2023.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE